



**SO ORDERED.**

**SIGNED this 10 day of July, 2017.**

*Austin E. Carter*

**Austin E. Carter  
United States Bankruptcy Judge**

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

IN RE:	)	CHAPTER 13
Tommy L Hall	)	
Earnestine Hall	)	CASE NO. 16-51825
	)	
Debtors	)	
<hr/>		
Select Portfolio Servicing, Inc., as servicer for DLJ	)	
Mortgage Capital, Inc.	)	
	)	
Movant,	)	
v.	)	CONTESTED MATTER
Tommy L. Hall, Debtor	)	
Earnestine Hall, Debtor	)	
Camille Hope, Trustee	)	
Respondents.	)	

**CONSENT ORDER**

On May 17, 2017, Select Portfolio Servicing, Inc., as servicer for DLJ Mortgage Capital, Inc , (“Movant”) filed a “Motion for Relief from Stay” with respect to the real property known as 139 HOOKS STREET, GORDON, GA 31031 (“Property”) (Doc. No. 30) (“Motion”). The Motion was scheduled for hearing June 14, 2017; however, the parties agreed to the terms of this Consent Order. The undersigned parties stipulate and agree as follows:

The Debtors are currently due for the 12/1/2016 through 5/1/2017 payments in the amount of \$392.27 each, and \$301.46 in suspense, for a total due of \$2,052.16. The arrearage shall be cured by the Debtors remitting additional payments in the amount of \$200.00 a month starting 7/15/2017 through 4/15/2018 and a final arrearage payment in the amount of \$52.16 on 5/15/2018.

The regular ongoing mortgage payments will resume 6/1/2017, in the amount of \$392.27.

Movant and Debtors agree that Debtors will provide adequate protection to Movant, in the absence of which Movant claims its interest in the Property would not be adequately protected. Pursuant to the foregoing stipulation, the parties agree that:

I. Upon delinquency by Debtors in payments due starting June 1, 2017, and arrearage payments starting 7/1/2017, Movant may be permitted to recover and dispose of the Property pursuant to applicable Georgia law only after submitting a Delinquency Motion (as more particularly described below) and the entry of an order modifying the automatic stay of 11 U.S.C. Section 362 as follows:

A. Counsel for Movant shall serve both Debtors and Debtors' counsel of record with written notice of the specific facts of the delinquency (the "Delinquency Notice"); said Notice may be contained in a letter but shall:

1. state that Debtors may cure the delinquency within fifteen (15) days of receipt of notice, and
2. shall specifically provide the correct street address for mailing or delivering such payment.

Pursuant to this Order, Debtors shall be presumed to have received the Delinquency Notice on the fifth (5th) calendar day following the mailing of said notice by Counsel for Movant; provided however, that

- a. the Delinquency Notice is properly addressed to Debtors and Debtors' attorney at the addresses set forth on the Distribution List attached to this Order unless Movant or Counsel for Movant receives notice in writing of a change in Debtors' address within

a reasonable time prior to mailing of the Delinquency Notice;  
and

- b. the Delinquency Notice is not returned to Counsel for Movant by the U.S. Postal Service as undeliverable by reason on improper address

B. If Debtors fail to cure the delinquency within fifteen (15) days of receipt of said written notice, Counsel for Movant may present to the Court, after service on Debtors, Debtors' counsel, and the Chapter 13 Trustee ("Trustee"):

1. a **motion**, which contains allegations of the specific facts of the delinquency; provided, however, that, instead of alleging the facts of the delinquency in the motion (the averments of which are subject to Rule 9011), the motion may be accompanied by an affidavit from Movant setting forth the specific facts of the delinquency;
2. a copy of the **Delinquency Notice**;
3. a **proposed order** (the motion, copy of the Delinquency Notice and the proposed order are herein collectively referred to as the "**Delinquency Motion**").

Upon presentation of said Delinquency Motion the Court may enter an Order modifying the stay as to the Property, without further notice of hearing. The strict compliance provision shall remain in effect until the arrearages are cured.

Upon the completion of any foreclosure sale, any funds in excess of the lawful claim of Movant under its Note and Security Deed shall be promptly remitted to Trustee herein for the benefit of the Estate. Upon entry of an Order modifying the stay as to the Property, the Trustee shall cease funding the Movant's claim.

Accordingly, it is hereby

ORDERED that the agreement of the parties is *approved*.

[END OF DOCUMENT]

Submitted by:

**/s/ Richard B. Maner**

Richard B. Maner, GA Bar No. 486588  
5775 Glenridge Drive, Building D, Suite 100  
Atlanta, GA 30328  
Phone: (404) 252-6385; Fax: (404) 252-6394  
[rmaner@rbmlegal.com](mailto:rmaner@rbmlegal.com)

**Attorney for Movant**

Consented to:

**/s/Rebecca Foshee Howington** *with express permission*

Rebecca Foshee Howington, GA Bar No. 672909  
Foshee Law Firm, LLC  
187 Roberson Mill Road  
Unit 103  
P. O. Box 1070  
Milledgeville, GA 31061  
Phone 478-804-9971

**Attorney for Debtors**

No opposition:

**/s/Camille Hope**

Camille Hope  
Chapter 13 Trustee  
P.O. Box 954  
Macon, GA 31202  
Phone: 478-742-8706  
**Chapter 13 Trustee**

**DISTRIBUTION LIST**

Richard B. Maner  
5775 Glenridge Drive  
Building D, Suite 100  
Atlanta, GA 30303

Tommy L Hall  
PO Box 906  
Gordon, GA 31031

Earnestine Hall  
PO Box 906  
Gordon, GA 31031

Rebecca Foshee Howington  
Foshee Law Firm, LLC  
187 Roberson Mill Road  
Unit 103  
P. O. Box 1070  
Milledgeville, GA 31061

Camille Hope  
Office of the Chapter 13 Trustee  
P.O. Box 954  
Macon, GA 31202